Legal Aid Manitoba
L'Aide Juridique du Manitoba

Thirteenth Annual Report

March 31, 1985

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The Legal Aid Services Society of Manitoba

L'Aide Juridique du Manitoba

Annual Report

1985

THIRTEENTH ANNUAL REPORT

THE LEGAL AID SERVICES SOCIETY OF MANITOBA

Fiscal Year Ending March 31, 1985

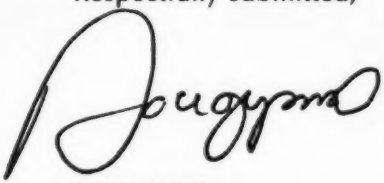
The Honourable Roland Penner, Q.C.
Attorney-General
Province of Manitoba
Room 104 — Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Sir:

Pursuant to Section 24 of the Legal Aid Services Society of Manitoba Act, I am pleased to submit the Thirteenth Annual Report of the Society for the year ending March 31, 1985.

Detailed statistical information relating to clients, cases and costs is attached as Appendix A. The report of the Provincial Auditor is attached as Appendix B.

Respectfully submitted,



Doug Yard
Chairperson
Board of Directors

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YEAR IN REVIEW
Legal Aid Activity

A levelling off on the demand for Legal Aid services, which began in the preceding year, continued through the fiscal year ending March 31st, 1985. This was especially true with respect to demand for non-criminal Legal Aid services, as evidenced by the fact that the number of certificates issued in civil matters declined by 2 from 7,019 in the previous year, to 7,017 in the year just concluded. Demand for adult criminal Legal Aid services also remained relatively static.

The introduction of the Federal "Young Offenders Act" on April 1st, 1984 resulted, of necessity, in the Society altering its eligibility rules in respect of young offenders. Prior to the introduction of this legislation, formal Legal Aid was provided to juveniles only in circumstances where there was a strong possibility of committal to Provincial Institutions or where the Crown was seeking a transfer to Adult Court. However, "The Young Offenders Act" authorizes a Youth Court Judge to direct the Provincial Attorney-General to appoint *or cause to be appointed*, counsel to represent a young person, even where the Province has a Legal Aid plan and the young person has, for whatever reason, failed to qualify for legal assistance under that plan.

To attempt to address this situation, the Society entered into an agreement with the Provincial Attorney-General to provide Legal Aid services to young persons with respect to which the Youth Court had ordered the Attorney-General to appoint counsel.

This has created the anomaly that young persons who do not qualify for Legal Aid, either pursuant to established financial guidelines, or because of the relative lack of seriousness of their case, nonetheless receive publicly funded Legal Aid services in Manitoba.

The increase in Legal Aid certificates issued in respect of criminal matters in 1984-1985 (from 10,649 certificates to 12,372 certificates) is almost entirely attributable to this increase in certificates issued in young offender matters.

Reciprocal Legal Aid

In the year ended March 31, 1985 the number of requests from other provinces and territories for the appointment of counsel in Manitoba (March 31, 1984 year end numbers in brackets) were as follows:

British Columbia	24	(16)
Ontario	21	(9)
Saskatchewan	21	(12)
Alberta	17	(14)
Quebec	6	(4)
Nova Scotia	3	(nil)
Northwest Territories	3	(nil)
New Brunswick	2	(2)
Yukon	1	(2)
Newfoundland	nil	(1)
	98	(60)

Requests made by Manitoba to other provincial and territorial plans for appointment of counsel in those jurisdictions (with March 31, 1984 numbers in brackets) were as follows:

Ontario	43	(33)
British Columbia	36	(27)
Alberta	35	(55)
Saskatchewan	13	(20)
Quebec	7	(10)
Nova Scotia	3	(4)
New Brunswick	2	(4)
Northwest Territories	1	(3)
Prince Edward Island	1	(nil)
	141	(156)

Budget

For the first time in several years, the Society concluded its budget year without the need to obtain supplementary funding. The Province had provided $8.116 million for the 1983/84 budget year, including supplementary funding of $865,000.00. The budget for 1984/85 was established at $7.893 million with an additional $71,000.00 approved for the new Winnipeg youth office opened in August, 1984. Despite this net reduction of $152,000.00 in provincial support, the Society was able to finish the year in a balanced position. This improved financial position was a direct result of staff and program delivery reorganization commenced the prior year and continued throughout this budget year, coupled with a variety of cost-savings affected in a number of other areas.

Community law centre reorganization, commenced in the summer of 1983, was virtually completed by March 31, 1985. In order to improve efficiency and reduce cost, staff specialization commenced with the reorganization of the Ellen Street Law Centre into an almost exclusive criminal office in the summer of 1983. In the summer of 1984, the first office dealing almost exclusively with young offenders opened in Winnipeg. In February, 1985 the Board of Directors approved an amalgamation of the Main Street and LaSem Law Centres in Winnipeg into one non-criminal office, with particular emphasis on the delivery of civil and domestic Legal Aid services. The amalgamation of the offices was to become effective July 1, 1985. The reorganization also affected offices outside of Winnipeg and as a result, Legal Aid certificates issued to staff in the year just concluded, increased dramatically. It is estimated that the Society affected a saving of approximately $400,000.00 as a result of the increase in certificates to staff solicitors.

It is estimated that a further $100,000.00 was saved with the extension and computerization of the Society's system of calendarizing private solicitors' Court attendance, prior to the normal taxation process. The improved calendarization system resulted in the average cost of criminal matters declining from $350.12 per case to $335.83 per case.

The Society also generated additional revenues from non-Provincial sources, including clients, Provincial child caring agencies and Federal Government grants. Total non-Provincial Government revenue increased from $253.7 thousand to $310.9 thousand.

On February 1, 1985 the Provincial Government amended Regulations respecting the collection of fees for the filing of Court documents and for the service of documents through the Sheriff's office. The amendments resulted in all fees for legally aided matters being waived, whether representation was being provided by staff solicitors or by the private bar. It is anticipated that on a full year basis, the Society will save some $300,000.00.

Community Law Centres

The 1984/85 fiscal year must be seen as a landmark for Legal Aid Manitoba's Community Law Centres. In 1983, the Ellen Street Community Law Centre was changed to primarily focus on criminal law. The object was to increase criminal certificate productivity among staff and thereby reduce private bar costs. The change seemed to have its desired effect and, faced with continuing pressures of increasing demand and a limited budget, the process continued in 1984/85.

When "The Young Offenders Act" was proclaimed a Community Law Centre was opened near the Youth Court in Winnipeg to handle only youth cases. Plans were undertaken to close the LaSem office on June 30, 1985 and transfer the staff to the Main Street Community Law Centre. When the transition is complete, there will be three Community Law Centres in Winnipeg, each focusing on three major areas; criminal defence work at Ellen Street, youth work at the Youth Office and family law at Main Street. The results would be increased expertise, increased efficiency and hopefully, increased certificate productivity at the Community Law Centres.

While the process is not complete, the results have already been significant. In 1983/84, staff were assigned 3,879 certificates. In 1984/85 the total was 5,410 (an increase of almost 40%). In spite of an increase in overall certificates issued of 10%, certificates issued to the private bar increased only slightly.

Staff certificate productivity increases were not without costs. Reductions took place in outreach activities, in telephone and drop-in advice and in duty counsel work, both in and outside of Winnipeg. The drops in Community Law Centre advice and duty counsel activities were slight (3.2% and 4.7% respectively) but they were significant in that for the first time in Legal Aid Manitoba's history, there had not been an increase in duty counsel and drop-in activity. There may be other costs. It is too early to know what problems may arise as a result of LaSem's closing on June 30, 1985. Community Law staff, at times, felt the burden of he vy caseloads. There may be long-term cost implications of reducing "preventative law" kinds of activities. It is, however, apparent as of the date of this report, that the changes in the Community Law Centres that began in 1983 and took shape in 1984/85 were a significant success, as a short-term cost saving measure.

Public Interest Law Department

The Society's Public Interest Law Department, established in 1982 to represent groups and organizations on public interest and low income issues, continued an active program of litigation and law reform activities. Utilizing a continuation grant of $75,000.00 from the Federal Department of Justice, the Department functioned with a Director, Staff Attorney, Paralegal and Secretary.

During the year, the Department of Justice retained Dr. W. K. Greenaway to conduct an in-depth review and evaluation of the Public Interest Department. The 200 page report was released in January, 1985. It commented very favourably on the nature and quality of the services provided, and reported support for the program amongst clients, the Bar, Law Society staff and Legal Aid Manitoba. Dr. Greenaway found that "the Public Interest Department as presently structured represents an efficient and economical model for public interest advocacy;" and recommended continued funding and improved security of funding.

The Department continued to carry a wide mix of cases. On behalf of consumers, a number of major interventions were conducted before both the Public Utilities Board and the National Energy Board, involving natural gas rates, telephone service and hydro electric power. A test case in the Manitoba Court of Appeal established that the Public Utilities Board must consider the quality of customer service when setting new utility rates. Environmental groups were represented in matters involving nuclear waste storage and preservation of Omand's Creek in Winnipeg. The Department assisted groups involved in a variety of neighbourhood and housing issues.

Parent committees in two rural native communities were represented in matters involving the quality of education. A variety of organizations of the disabled were assisted. A constitutional challenge was taken to certain restrictive provisions of "The Unemployment Insurance Act". Prisoners and inmates organizations were represented at an inquest, in negotiations for a new Provincial discipline grievance system, and in Court cases concerning prison conditions and the right to counsel.

In all, the Department opened approximately 75 new files. Staff also organized a major self-help advocacy conference for community groups in December. Lectures and seminars dealing with the new equality rights provisions of the Charter were prepared for handicapped groups, poverty law advocates and the Law Society of Manitoba Continuing Legal Education Program. Sessions on administrative law and practice were presented to Legal Aid staff and Manitoba Law School students. As with all Community Law Centres, informal advice and assistance was provided throughout the year.

Administration and Personnel

On April 1, 1985, after occupying offices at 325 Portage Avenue in Winnipeg for 10 years, the Society's administrative and Winnipeg Area Director's office was moved to new premises at 294 Portage Avenue. The new offices also provides space for Legal Aid's Public Interest Law Department. Concurrent with the office move, was a reorganization of administrative personnel. The Winnipeg Area Director for some 6 years, William Malcolm, transferred to the Winnipeg Criminal office as a line attorney. The Deputy Director of Community Law Centres, Allan Fineblit, was also appointed Winnipeg Area Director. Sheila Rogers, a line attorney at the Main Street Community Law Centre, was appointed Associate Winnipeg Area Director, with specific responsibility of processing civil and domestic applications for Legal Aid. Mr. William Merrett continued as Associate Winnipeg Area Director, responsible for the processing of adult criminal and youth applications.

In addition to a reorganization of personnel, the Society also completed the conversion of its accounting, accounts receivable, cheque issuance and certificate issuance system to full computerization. Just over $30,000.00 was expended for the purchase of computer terminals and printers and for systems development and staff training. The introduction of the new computer system will effect faster turnaround times in the processing of Legal Aid applications, payment of accounts to the private bar and management information and statistics. Extension of the system to include applicants and solicitors' records will be undertaken within the next year.

Board of Directors

In the year just concluded, two members of the Board of Directors were replaced. Mr. Rod Stephenson was replaced on the Board by Mr. Robert Pollack and Mr. Leonard Lucas was replaced by Mr. Ronn Klassen. Mr. Klassen became the first member of staff to be appointed to the Board following amendments to the Legal Aid Act, which reduced the Law Society of Manitoba representation on the Board from 4 members to 3, while providing for a staff solicitor representative on the Board. As well, Mr. Nels Thibault resigned from the Board just prior to March 31, 1985.

Other members of the Board of Directors include:

Douglas D. Yard — Chairperson
Randy McNicol — Vice-Chairperson
Robb Tonn
Judy Cook Hannibal
Rosemarie Cuddy
Aaron Berg
Audreen Hourie
Vicki Francis

During the year, the Board considered 262 refusal appeals (223 in the previous year), which resulted in 86 people being granted Legal Aid certificates (59 in the previous year). A total of 170 taxation appeals were considered (143 in the previous year) of which 129 were granted some increase over the original taxation (73 in the previous year).

Financial Eligibility Guidelines

In the last annual report, reference was made to the completion of a Federally funded study into the Society's financial eligibility guidelines. A further Federal grant allowed the Society to calculate the cost impact of implementing the study's major recommendation, which was to increase financial eligibility guidelines to Statistics Canada Poverty Levels and to provide for annual inflationary adjustments to those levels. It was estimated, that on a full year basis, the cost of such an adjustment to the financial eligibility guidelines would be $350,000.00. Accordingly, the Board of Directors recommended to the Attorney-General that the Society's financial eligibility guidelines be adjusted. In order to reduce the immediate budgetary impact, the Board also recommended that the adjustment be phased in over a 3 year period. As of the writing of this report, no decision had yet been made with respect to the recommendations, while the freeze on financial eligibility guidelines, in effect since 1983, continued.

The continued freezing of the financial eligibility guidelines is a matter of serious concern to Legal Aid Manitoba at every level, however increased funding is necessary if the guidelines are to be expanded to keep pace with inflation and in particular, to reach Statistics Canada Poverty Levels.

Tariff and Private Bar Participation

Discussions between the Government, the Legal Aid Society and the newly formed Legal Aid Liaison Committee of the Manitoba Bar Association on revisions to the Legal Aid Tariff continued in the year just concluded. Significant progress was made on proposals for a restructuring of the Domestic Tariff, while the Manitoba Bar Association tabled with the Attorney-General, a report respecting both the structure of the Tariff and the hourly rate. The Government also had the opportunity of carefully studying the report on Legal Aid of the Canadian Bar Association, where general reference was also made to the Tariff of fees. There is general optimism that a restructuring of the Domestic Tariff might be effected prior to April 1, 1986.

In the fiscal year ended March 31, 1985, there were 821 private bar lawyers registered on the Legal Aid panels, as compared to 779 lawyers registered as of March 31, 1984. Of this number, 649 lawyers were registered on the Winnipeg and Central Manitoba panels, while 172 lawyers were registered on panels serving the Northern, Western, Selkirk-Interlake and Parklands areas of the Province. Of the 821 private bar solicitors on Legal Aid panels, 533 accepted Legal Aid certificates, including 38 solicitors who received 150 or more certificates. The following is an analysis of certificates issued to private bar lawyers.

Certificates Issued	Number of Lawyers	Percentage
0 - 10	270	51%
11 - 25	102	19%
26 - 50	55	10%
51 - 75	30	6%
76 - 100	10	2%
101 - 150	28	5.5%
151 - 200	17	3%
201 - 250	13	2%
251 - 300	3	.5%
301 and over	5	1%
	533	100.0%

In the year ended March 31, 1985, 489 private bar lawyers received payment on account of billings submitted in the year, of which 24 received an excess of $40,000.00. The following is an analysis of monies disbursed to private bar lawyers in various dollar categories.

Dollars	Number of Lawyers	Percentage
$1. - $999.	138	28.2%
$1,000. - $4,999.	157	32.1%
$5,000. - $9,999.	69	14.1%
$10,000. - $19,999.	55	11.2%
$20,000. - $39,999.	46	9.4%
$40,000. - $59,999.	11	2.2%
$60,000. - $79,999.	10	2.1%
$80,000. - $99,999.	1	.2%
$100,000. and over	2	.5%
	489	100.0%

Evaluation of Legal Aid Manitoba

The cost sharing agreement between the Province of Manitoba and the Federal Government on criminal Legal Aid, provides for the Provincial Legal Aid plan to be evaluated every 5 years. Since Manitoba Legal Aid had not been subjected to a comprehensive evaluation, arrangements were made between the Federal and Provincial Government to begin the process of planning for an evaluation. The Federal Government approved a $10,000.00 grant to the Social Planning Council of Winnipeg to develop a model for the evaluation. At the same time, a steering committee of 8 people under the chairmanship of J. F. Reah Taylor, Q.C. was formed to work with the Social Planning Council in the design stage. Mr. Taylor, senior partner of the Winnipeg law firm, Taylor, Brazzell, McCaffrey, was a member of the 1971 Provincial Task Force on Legal Aid, whose report formed the basis for the establishment of the present Legal Aid plan in the Province. As of the writing of this report, the Steering Committee's work was almost complete and the design outline was in the process of being submitted to the Federal Government for approval. It is anticipated that the evaluation will begin in the summer of 1985.

Conclusion

While there are many positives to report in connection with the past year's activities, there is also reason for concern. Without a growth in funding, at least commensurate with the growth in demand for mandated services, Legal Aid Manitoba will again generate increased year end deficits and will again be forced to seek supplementary funding on a regular basis.

Moreover, without significantly increased funding, financial eligibility guidelines cannot be raised to keep pace with inflation and the gap between current financial eligibility guidelines and Statistics Canada poverty levels cannot be reduced and/or eliminated.

Equally concerning is the static and inadequate Tariff fees paid to private bar lawyers by Legal Aid Manitoba. The long term ramifications of this inadequacy encompasses concern with respect to the quality of service available to Legal Aid recipients.

APPENDIX "A"

THE LEGAL AID SERVICES SOCIETY OF MANITOBA
Legal Aid Activity by Area

For the Year Ended March 31, 1985
(With the 1984 Comparisons in Parenthesis)

Area	Applications For Legal Aid Certificates	Applications Refused	Certificates Issued Civil	Certificates Issued Criminal	Certificates Cancelled	Persons Assisted By Duty Counsel
Brandon	2,466	475	984	1,007	96	1,841
	(2,084)	(398)	(846)	(840)	(50)	(2,045)
Dauphin	1,108	163	334	611	19	879
	(1,003)	(174)	(326)	(503)	(6)	(877)
Selkirk	Nil	Nil	Nil	Nil	Nil	363
	(895)	(192)	(265)	(438)	(1)	(256)
The Pas & Thompson	1,556	239	520	797	66	4,039
	(1,154)	(175)	(456)	(523)	(6)	(3,239)
Winnipeg	19,690	4,554	5,179	9,957	1,229	14,994
	(17,633)	(4,162)	(5,126)	(8,345)	(1,294)	(16,799)
Provincial Total	24,820	5,431	7,017	12,372	1,410	22,116
	(22,769)	(5,101)	(7,019)	(10,649)	(1,357)	(23,216)

NOTES:

1. *As of April 1, 1984, applications, certificates issued and refusals for Selkirk are included in the Winnipeg totals.*

2. *In the fiscal year ended March 31, 1985 there was a total of* ***19,389*** *(17,668) certificates issued, including certificates issued to Community Law Centres as follows:*

Winnipeg — Ellen Street	*1,265*	*(1,035)*
— Main Street	*1,107*	*(775)*
— Lasem	*744*	*(625)*
— Youth Office (opening date August 1, 1984)	*487*	*(Nil)*
— Head Office	*69*	*(82)*
Westman	*403*	*(318)*
Parklands	*339*	*(326)*
The Pas & Thompson	*996*	*(718)*
	5,410	*(3,879)*

3. *In the fiscal year ended March 31, 1985 there was a total of* **22,116** *(23,216) people assisted by Duty Counselling services; of this total* **19,148** *(19,350) were assisted by staff lawyers through the following Community Law Centres:*

Winnipeg — Ellen Street	*6,875*	*(6,991)*
— Main Street	*2,504*	*(3,897)*
— Lasem	*3,021*	*(2,935)*
— Youth Office	*467*	*(Nil)*
Westman	*1,537*	*(1,688)*
Parklands	*869*	*(868)*
The Pas & Thompson	*3,875*	*(2,971)*
	19,148	*(19,350)*

4. *For the fiscal year ended March 31, 1985* **21.9%** *(22.4%) of the applicants for Legal Aid were refused.*

5. *For the year ended March 31, 1985 there was a total of* **19,195** *(20,142) telephone and drop-in inquiries broken down as follows:*

Winnipeg — Ellen Street	*2,830*	*(2,172)*
— Main Street	*2,622*	*(4,650)*
— Lasem	*2,038*	*(2,048)*
— Youth Office	*175*	*(Nil)*
— University	*550*	*(639)*
— Head Office	*346*	*(401)*
Brandon	*4,002*	*(3,472)*
Dauphin	*3,430*	*(3,715)*
Selkirk	*139*	*(17)*
The Pas & Thompson	*3,063*	*(3,028)*
	19,195	*(20,142)*

For the year ending March 31, 1985 there was a total of **59,290** *(59,669) people assisted, either on a formal or informal basis.*

A total of **562,713** *people have been assisted in the period September 1, 1972 to March 31, 1985.*

THE LEGAL AID SERVICES SOCIETY OF MANITOBA
Analysis of Certificates Issued
For The Year Ended March 31, 1985
(With the 1984 Comparisons in Parenthesis)

Certificate Classification	Private Bar	Law Centres	Totals
Criminal			
Appeals — Crown	42 (47)	11 (11)	53 (58)
— Client	110 (115)	47 (27)	157 (142)
Arson	46 (29)	29 (7)	75 (36)
Assault	1,046 (1,265)	500 (427)	1,546 (1,692)
Attempted Homicide and Wounding	80 (56)	9 (10)	89 (66)
Breach of Probation and Escape Custody	719 (554)	171 (102)	890 (656)
Break and Enter	1,458 (1,154)	816 (354)	2,274 (1,508)
Contributing to Juvenile Delinquency	3 (22)	Nil (9)	3 (31)
Fraud and False Pretences	664 (573)	178 (114)	842 (687)
Homicide and Death by Criminal Negligence	48 (49)	10 (7)	58 (56)
Immigration	16 (20)	3 (7)	19 (27)
Legal Opinions	2 (Nil)	10 (Nil)	12 (Nil)
Motor Vehicle Offences	704 (842)	226 (215)	930 (1,057)
Narcotics	360 (321)	64 (31)	424 (352)
Non-Federal Youth Matters	3 (Nil)	Nil (Nil)	3 (Nil)
Parole Hearings	11 (16)	4 (2)	15 (18)
Possession of Offensive Weapons	623 (725)	278 (174)	901 (899)
Robbery	326 (271)	80 (46)	406 (317)
Sexual Assault and Other Sexual Offences	225 (176)	99 (76)	324 (252)
Theft	1,860 (1,523)	694 (308)	2,554 (1,831)
Youth Transfers	54 (155)	13 (34)	67 (189)
Other	526 (638)	204 (137)	730 (775)
	8,926 (8,551)	3,446 (2,098)	12,372 (10,649)

Certificate Classification	Private Bar	Law Centres	Totals
Civil			
Adoption	44 (53)	37 (68)	81 (121)
Appeals	71 (90)	31 (37)	102 (127)
Civil Suits	231 (240)	100 (118)	331 (358)
Custody	752 (726)	340 (212)	1,092 (938)
Divorce	1,172 (1,112)	394 (393)	1,566 (1,505)
Immigration	34 (37)	30 (21)	64 (58)
Landlord and Tenant	52 (43)	27 (14)	79 (57)
Legal Opinions	28 (31)	39 (32)	67 (63)
Other Administrative Matters	89 (19)	65 (23)	154 (42)
Parentage Proceedings	118 (101)	54 (43)	172 (144)
Separation	1,542 (1,659)	494 (430)	2,036 (2,089)
Variation Applications	581 (656)	164 (129)	745 (785)
Welfare	31 (39)	48 (65)	79 (104)
Other	308 (432)	141 (196)	449 (628)
	5,053 (5,238)	1,964 (1,781)	7,017 (7,019)

THE LEGAL AID SERVICES SOCIETY OF MANITOBA
Analysis of Completed Cases by Type of Aid
(Private Bar Only)
For the Year Ended March 31, 1985
(With 1984 Comparisons in Parenthesis)

Type of Aid	Number of Cases	Total Fees and Disbursements	Average Cost Per Case
Criminal			
Appeals — Crown	37	$ 11,743	$ 317.38
	(36)	(12,082)	(335.61)
— Client	137	84,289	615.25
	(114)	(75,577)	(662.95)
Arson	48	31,050	646.88
	(50)	(24,804)	(496.08)
Assault	985	323,382	328.31
	(970)	(315,923)	(325.69)
Attempted Homicide and Wounding	67	39,610	591.19
	(55)	(44,360)	(806.54)
Breach of Probation and Escape Custody	652	157,258	241.19
	(545)	(139,857)	(256.61)
Break and Enter	1,365	431,266	315.95
	(1,376)	(446,388)	(324.40)
Contributing to Juvenile Delinquency	5	1,651	330.20
	(15)	(4,976)	(331.73)
Fraud and False Pretenses	564	179,127	317.60
	(643)	(202,458)	(314.86)
Homicide and Death by Criminal Negligence	40	98,692	2,467.30
	(37)	(201,130)	(5,435.94)
Immigration	13	3,493	268.69
	(22)	(3,762)	(171.00)
Legal Opinions	1	256	256.00
	(6)	(611)	(101.83)
Motor Vehicle Offences — Federal Statutes	593	164,628	277.62
	(554)	(159,462)	(287.83)
— Provincial/Municipal Statutes	202	50,586	250.43
	(292)	(79,353)	(271.75)
Narcotics — Indictable	190	65,410	344.26
	(206)	(79,219)	(384.55)
— Non Indictable	143	31,654	221.36
	(108)	(27,812)	(257.51)
Non-Federal Youth Matters	2	276	138.00
	(Nil)	(Nil)	(Nil)
Parole Hearings	9	1,719	191.00
	(12)	(2,355)	(196.25)
Possession of Offensive Weapons	512	181,813	355.10
	(791)	(248,559)	(314.23)
Robbery	336	154,572	460.04
	(332)	(161,324)	(485.91)

Type of Aid	Number of Cases	Total Fees and Disbursements	Average Cost Per Case
Sexual Assault and Other Sexual Offences	206 (175)	125,345 (107,773)	608.47 (615.84)
Theft	1,807 (1,646)	505,754 (478,645)	279.89 (290.79)
Youth Transfers	119 (152)	47,050 (61,018)	395.38 (401.43)
Other	418 (543)	147,396 (160,108)	352.62 (294.85)
	8,451 (8,680)	$ 2,838,020 (3,037,556)	$ 335.82 (349.95)
Civil			
Adoption	41 (37)	$ 8,394 (7,767)	$ 204.73 (209.92)
Appeals	76 (117)	69,615 (84,135)	915.99 (719.10)
Civil Suits	190 (190)	96,646 (78,453)	508.66 (412.91)
Custody	603 (712)	215,844 (274,810)	357.95 (385.96)
Divorce	1,114 (1,080)	463,594 (452,245)	416.15 (418.74)
Immigration	38 (28)	11,824 (5,991)	311.16 (213.96)
Landlord and Tenant	47 (36)	10,984 (9,557)	233.70 (265.47)
Legal Opinions	11 (31)	2,251 (5,787)	204.64 (186.68)
Other Administrative Matters	51 (12)	14,663 (2,351)	287.51 (195.92)
Parentage Proceedings	88 (142)	27,243 (44,296)	309.58 (311.94)
Separation	1,468 (1,616)	463,795 (464,679)	315.94 (287.54)
Variation Applications	745 (652)	261,300 (228,587)	350.74 (350.59)
Welfare	30 (30)	5,157 (6,006)	171.90 (200.20)
Other	130 (201)	34,844 (62,667)	268.03 (311.78)
	4,632 (4,884)	$ 1,686,154 (1,727,331)	$ 364.02 (353.67)
	13,083 (13,564)	$ 4,524,174 (4,764,887)	$ 345.80 (351.28)

NOTE: *As of March 31, 1985 there were approximately 12,750 cases yet to be completed and paid.*

THE LEGAL AID SERVICES SOCIETY OF MANITOBA
Legal Aid Fees and Disbursements
(Private Bar Only)
For the Year Ended March 31, 1985
(With the 1984 Comparisons in Parenthesis)

	Fees	Disbursements	Total	Completed Cases	Average Cost Per Case
Criminal					
Brandon	$ 168,563	$ 9,476	$ 178,039	625	$ 284.86
	(165,319)	(9,167)	(174,486)	(616)	(283.25)
Dauphin	114,971	5,714	120,685	366	329.74
	(93,429)	(2,653)	(96,082)	(321)	(299.32)
Selkirk	91,549	11,084	102,633	262	391.73
	(114,821)	(10,335)	(125,156)	(394)	(317.65)
The Pas & Thompson	39,239	3,207	42,446	117	362.79
	(51,172)	(3,963)	(55,135)	(140)	(393.82)
Winnipeg	2,261,064	132,238	2,393,302	7,081	337.99
	(2,410,063)	(176,634)	(2,586,697)	(7,209)	(358.81)
Civil					
Brandon	180,879	34,377	215,256	777	277.03
	(165,883)	(38,848)	(204,731)	(690)	(296.71)
Dauphin	32,164	9,261	41,425	126	328.77
	(40,510)	(8,191)	(48,701)	(156)	(312.18)
Selkirk	45,663	12,696	58,359	156	374.10
	(55,122)	(12,545)	(67,667)	(223)	(303.43)
The Pas & Thompson	35,868	8,467	44,335	155	286.03
	(27,750)	(4,603)	(32,353)	(127)	(254.74)
Winnipeg	1,062,477	265,217	1,327,694	3,418	388.44
	(1,126,119)	(247,760)	(1,373,879)	(3,688)	(372.53)
Total Completed Cases	$ 4,032,437	$ 491,737	$ 4,524,174	13,083	$ 345.80
	(4,250,188)	(514,699)	(4,764,887)	(13,564)	(351.28)
Pre-Completion Disbursements	Nil	198,424	198,424		
	(Nil)	(120,268)	(120,268)		
	$ 4,032,437	$ 690,161	$ 4,722,598		
	(4,250,188)	(634,967)	(4,885,155)		

THE LEGAL AID SERVICES SOCIETY OF MANITOBA
Analysis of Completed Cases by Court
(Private Bar Only)
For the Year Ended March 31, 1985
(With 1984 Comparisons in Parenthesis)

Court	Number of Cases	Total Fees and Disbursements	Average Cost Per Case
Provincial Court (Criminal Division)	6,524 (7,035)	$ 1,907,086 (2,113,586)	$ 292.32 (300.43)
Provincial Court (Youth Division)	1,026 (805)	306,848 (262,075)	299.07 (325.55)
Provincial Court (Family Division)	1,076 (1,639)	408,740 (616,447)	379.87 (376.11)
County Court	455 (622)	308,918 (406,516)	678.94 (653.56)
Queen's Bench	2,034 (1,553)	1,156,837 (933,957)	568.75 (601.38)
Surrogate	4 (10)	2,009 (5,192)	502.25 (519.20)
Court of Appeal	127 (126)	116,061 (119,941)	913.87 (951.91)
Federal Court	3 (Nil)	2,212 (Nil)	737.33 (Nil)
Supreme Court	6 (15)	12,620 (28,033)	2,103.33 (1,868.86)
Review Board	101 (109)	30,216 (25,760)	299.17 (236.33)
Matters Not Resulting in Trial Proceedings	1,727 (1,650)	272,627 (253,380)	157.86 (153.56)
	13,083 (13,564)	$ 4,524,174 (4,764,887)	$ 345.80 (351.28)

THE LEGAL AID SERVICES SOCIETY OF MANITOBA
Duty Counsel Fees and Disbursements
(Private Bar Only)
For the Year Ended March 31, 1985
(With 1984 Comparisons in Parenthesis)

	Persons Assisted	Total Fees and Disbursements	Average Cost Per Person Assisted
Brandon	310 (357)	$ 6,316. (7,158.)	$ 20.37 (20.05)
Dauphin	10 (9)	210. (271.)	21.00 (30.11)
Selkirk	363 (256)	10,330. (8,287.)	28.45 (32.37)
The Pas & Thompson	180 (268)	13,882. (16,711.)	77.12 (62.35)
Winnipeg	663 (1,178)	11,393. (16,159.)	17.18 (13.71)
	1,526 (2,068)	$ 42,131. (48,586.)	$ 27.60 (23.49)

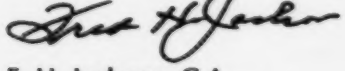
EXHIBIT "A"

THE LEGAL AID SERVICES SOCIETY OF MANITOBA

REPORT OF THE PROVINCIAL AUDITOR'S OFFICE

We have examined the financial statements, being Exhibits A and B and Schedules 1 to 3 of The Legal Aid Services Society of Manitoba for the fiscal year ended March 31, 1985. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as we considered necessary in the circumstances.

In our opinion, these financial statements present fairly the position of the Fund of The Legal Aid Services Society of Manitoba as at March 31, 1985 and the results of its operations for the year then ended in accordance with the accounting policies stated in note 2, Exhibit A, applied on a basis consistent with that of the preceding year.



F. H. Jackson, C.A.,
Provincial Auditor.

November 12, 1985,
Winnipeg, Manitoba.

THE LEGAL AID SERVICES SOCIETY OF MANITOBA
Statement of Fund
as at March 31, 1985
(with 1984 figures for comparison)

	1985	1984
Fund balance beginning of year	$ 17,346	$ 10,042
Excess of receipts over disbursements, Exhibit B	5,081	7,304
Fund balance end of year	$ 22,427	$ 17,346
Fund balance represented by:		
Cash on hand and in bank	$ 270,225	$ 184,003
Outstanding reimbursement from the Government of the Province of Manitoba (Note 2.a)	100,137	—
Cheques issued and outstanding (Note 2.a)	(347,935)	(166,657)
Fund balance end of year	$ 22,427	$ 17,346

1. **Objective of the Society**

   The objective of the Society is to assist individuals, groups and organizations who, left to their own means, could not retain the services of a lawyer. Clients may be charged a fee based on their ability to pay.

   Legal aid may be furnished, by the Society's Public Interest Department, to groups and organizations involving matters of an interest common to members of the group and relating to issues of public interest such as, but not restricted to, consumer and environmental issues.

   Legal aid may be provided to wards of agencies if they would otherwise be eligible for legal aid. The cost of the legal aid provided is recovered from the agencies.

2. **Significant Accounting Policies**

   a) **Cash Basis of Accounting**

   The Society presents its financial statements on a cash basis with the following exceptions:

   i) The Society takes into receipts grants received from the Government of the Province of Manitoba after the end of the fiscal year when these are paid by the Government out of funds voted for the year then ended.

2. **Significant Accounting Policies** (continued)

   ii) The Society records as disbursements payments made after the end of the fiscal year of billings for private bar fees and disbursements, when these are reimbursed by the Government out of funds voted for the year then ended. The payments are included in cheques issued and outstanding shown in the Statement of Fund.

   b) **Fixed Assets**

   Fixed assets are charged to operations in the year acquired.

   c) **Pensions**

   In accordance with the provisions of The Manitoba Civil Service Superannuation Act, the Society contributes 50% of the pension disbursements made to retired employees. Such payments are charged to operations as incurred and provision is not made in the accounts to fund current or past service obligations to the Superannuation Fund. On the basis of an actuarial report, the unfunded liability for the Society's employees amounted to $527,177 as at December 31, 1984 (1983 — $405,500).

3. **Certificate Holdbacks**

   Acting under the authority of Manitoba Regulations 106/72 and 112/81, the Society's Board of Directors established holdbacks in respect of legal aid certificates approved during the years ended March 31, 1979 and March 31, 1980. The holdbacks are applicable regardless of when the billings for services are rendered.

4. **Legal Assistance — Northern Community Councils**

   The Society administers an agreement between the Government of the Province of Manitoba, Department of Northern Affairs, and a private legal counsel regarding provision of legal advice and service to the Northern Association of Community Councils pursuant to the Northern Flood Agreement. The Society reviews and processes for payment the billings of the legal counsel and is reimbursed by the Government of the Province of Manitoba.

5. **General and Administrative Expenses**

   General and administrative expenses incurred to provide services of the Public Interest Department and the Society's other programs are reflected in the Schedule of General and Administrative Expenses. Subsequent to the final payment in April 1984 of the health and post secondary education tax levy for the prior fiscal year, the levy was paid by The Civil Service Commission, Province of Manitoba and accordingly is not reflected in the financial statements.

6. **Significant Commitments, Liabilities and Receivables**

	March 31 1985	March 31 1984
Estimated total commitments for future billings on outstanding legal aid certificates	$ 3,498,000	$ 3,308,000
Approximate liability for legal aid certificate billings received but unpaid	$ 493,000	$ 540,000
Approximate liability for duty counsel billings received but unpaid	3,000	4,500
Approximate liability for unpaid general and administrative, Community Law Centre and Public Interest Department operating expenses	84,000	87,000
	$ 580,000	$ 631,500
Accounts receivable respecting contributions and judgements (without allowance for doubtful accounts)	$ 143,000	$ 115,000

Exhibit B

THE LEGAL AID SERVICES SOCIETY OF MANITOBA
Statement of Receipts and Disbursements
for the year ended March 31, 1985
(with 1984 figures for comparison)

	1985	1984
Receipts:		
Government of the Province of Manitoba:		
Grants (Note 2.a)	$ 5,398,434	$ 5,538,825
Salries and other payments	2,563,629	2,577,285
Legal assistance — Northern Community Councils (Note 4)	7,330	25,926
Government of Canada — grant re Public Interest Department	81,326	56,424
Contributions from clients	97,512	91,128
Recoveries — wards of agencies	64,611	43,085
— Public Interest Department	17,750	5,478
Judgment costs and settlements	31,748	29,403
Interest Income	10,316	—
Other	7,663	2,283
Total receipts	8,280,319	8,369,837
Disbursements:		
Private bar fees and disbursements (Note 2.a):		
Legal aid certificates	4,602,018	4,784,901
Less: certificate holdbacks (Note 3)	1,428	5,008
	4,600,590	4,779,893
Duty counsel services	61,350	70,055
	4,661,940	4,849,948
Community Law Centres, Schedule 1	2,408,228	2,349,376
Public Interest Department, Schedule 2	188,230	156,163
General and administrative, Schedule 3	1,009,510	971,986
Contribution to Law Society — Law Phone-In program	—	9,134
Legal assistance — Northern Community Councils (Note 4)	7,330	25,926
Total disbursements	8,275,238	8,362,533
Excess of receipts over disbursements, Exhibit A	$ 5,081	$ 7,304

THE LEGAL AID SERVICES SOCIETY OF MANITOBA

Community Law Centres
Schedule of Operating Expenses
for the year ended March 31, 1985

(with 1984 figures for comparison)

	1985	1984
Advertising and information	$ 675	$ 357
Certificate disbursements	118,095	103,132
Duplicating services and supplies	21,511	21,573
Fly-in duty counsel program — travel	35,775	31,092
Furniture, equipment and leasehold improvements — net of disposals	12,721	8,476
Health and post secondary education tax levy	6,580	23,935
Library	20,770	26,968
Maintenance	15,202	15,012
Meetings and seminars	5,777	5,781
Office and postage	104,010	80,302
Rent	85,633	85,677
Salaries and benefits — professional	1,484,093	1,480,434
— clerical	354,279	346,295
Staff recruitment	9,202	1,038
Stationery and forms	2,854	2,414
Sundry	187	561
Telephone	59,961	54,482
Travel	55,085	46,925
Utilities	15,836	14,922
Total, Exhibit B	$ 2,408,228	$ 2,349,376

Schedule 2

THE LEGAL AID SERVICES SOCIETY OF MANITOBA

Public Interest Department
Schedule of Operating Expenses
for the year ended March 31, 1985

(with 1984 figures for comparison)

	1985	1984
Expert witnesses and consultants	$ 28,373	$ 17,527
File disbursements	4,657	6,506
Health and post secondary education tax levy	871	1,542
Salaries and benefits	145,018	123,628
Sundry	5,565	1,876
Travel	3,746	5,084
Total, Exhibit B	$ 188,230	$ 156,163

THE LEGAL AID SERVICES SOCIETY OF MANITOBA
Schedule of General and Administrative Expenses
for the year ended March 31, 1985
(with 1984 figures for comparison)

	1985	1984
Advertising and information	$ 1,068	$ 712
Collections	3,721	4,692
Data processing	36,303	1,719
Directors' fees and expenses	20,047	21,594
Duplicating services and supplies	11,177	8,678
Financial eligibility study	—	5,000
Furniture, equipment and leasehold improvements — net of disposals	20,881	9,011
Health and post secondary education tax levy	3,051	9,978
Library	5,040	5,554
Maintenance	928	2,647
Meetings and seminars	2,506	2,277
Office and postage	68,024	50,393
Office relocation	4,227	—
Professional fees	14,978	14,736
Rent	56,169	56,092
Salaries, honoraria and benefits	705,774	726,146
Staff recruitment	154	485
Stationery and forms	18,482	17,909
Sundry	453	930
Telephone	25,594	19,397
Travel	8,166	11,175
Utilities	2,767	2,861
Total, Exhibit B	$ 1,009,510	$ 971,986